

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In Re: Krystle Shaw and Elvyn Shaw

Case No. 12-30882-KRH
Chapter 13

JPMorgan Chase Bank, National
Association, Movant

vs.

Krystle Shaw, Debtor
aka Krystle R. Shaw
Elvyn Shaw, Debtor

Suzanne E. Wade, Trustee
Respondent(s)

**MOTION FOR RELIEF FROM AUTOMATIC STAY
Real Property at 3800 Hyde Park Drive, Hopewell, Virginia 23860**

Comes now JPMorgan Chase Bank, National Association, Movant herein, by Justina Martynaityte, Esq., its attorney and respectfully represents:

1. This Motion is filed pursuant to 11 U.S.C. Sec. 362 d through f, and 28 U.S.C. Section 1334 and Section 157, giving this Court jurisdiction to grant relief from the Automatic Stay for cause and/or to prevent irreparable damage to the interest of a secured creditor in the property of the Debtors.

2. The Movant is the holder of a Note secured by a Deed of Trust dated November 24, 2009, and recorded among the land records of County of Prince George, Virginia, and which encumbers the property of the Debtors at 3800 Hyde Park Drive, Hopewell, Virginia 23860.

ALL that certain lot, piece or parcel of land, with improvements thereon and appurtenances thereunto belonging, lying and being in the County of Prince George, Virginia, and further known, numbered and designated as Lot 10, Block L, Section 5A, Stratford Woods Subdivision, a subdivision of Said County, as shown on a plat thereof duly recorded in the Clerk's Office, Circuit Court of Prince George, Virginia, in Plat Book 17, Pages 115, 116 and 117, reference to which plat is hereby made for a more particular description of the said property being conveyed herein.

BEING the same real estate conveyed to Krystle R. Shaw, by deed from Elizabeth S. Moore, recorded in the Clerk's Office, Circuit Court of Prince George, Virginia, immediately preceding and simultaneously herewith.

3. The current principal balance is \$112,814.27, plus interest, late charges and foreclosure fees and costs.

4. As of January 30, 2015, the Debtors have failed to pay the post-petition payments for the months of August 2014 to January 2015, so that the amount now due is \$5,674.69. This figure is less a suspense balance of \$1075.73. The current monthly payment is \$1,093.60.

5. The Movant contends therefore that the stay should be lifted for cause and that it is inadequately protected by the Debtor's failure to make the post-petition payments.

6. JPMorgan Chase Bank, National Association services the loan on the Property referenced in this Motion. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtor(s) obtain(s) a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of JPMorgan Chase Bank, National Association ("Note-holder"), "Note-holder" directly or through an agent, has possession of the promissory note. The promissory note is either made payable to "Note-holder" or has been duly endorsed.

WHEREFORE, the Movant prays this Honorable Court to issue an Order

1. Lifting the Automatic Stay as to the Debtor's property at 3800 Hyde Park Drive, Hopewell, Virginia 23860, so that the Movant can proceed with the foreclosure of its Deed of Trust; or alternatively

2. For such other and further relief as the Court deems appropriate.

NOTICE

Please take notice that the defendant herein is required to file an answer to this Motion with the Clerk, U.S. Bankruptcy Court, U.S. Bankruptcy Court, 701 East Broad Street, Suite 4000, Richmond, VA 23219, within **fourteen (14)** days of the date of service hereof.

If you do not file a written response by the deadline indicated, the law provides that the stay protecting you from further legal action against you by the Creditor will automatically terminate.

/s/ Justina Martynaityte, Esq. [jm 2/25]
Attorney for Movant
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed, first class, postage prepaid, on February 26, 2015, to Krystle Shaw at 3800 Hyde Park Dr, Hopewell, Virginia 23860 and Elvyn Shaw at 3800 Hyde Park Dr, Hopewell, Virginia 23860. Copies were sent electronically via the CM/ECF system to Robert B. Duke, Jr., Esq., Attorney for Debtors and Suzanne E. Wade, Trustee.

/s/ Justina Martynaityte, Esq.